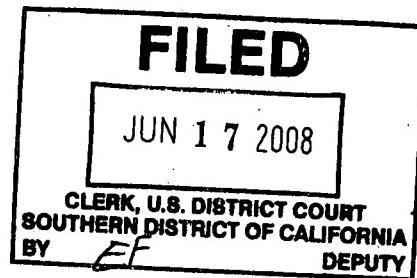


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Telephone: (619) 557-5556

7 Attorneys for Plaintiff  
UNITED STATES OF AMERICA



17       **IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES  
18 OF AMERICA, by [redacted] through its counsel, Karen P. Hewitt, United States Attorney, and  
19 Caleb E. Mason, Assistant United States Attorney, and defendant RAUL CARRANZA-AMBRIZ,  
20 by and through and with the advice and consent of William R. Burgener, counsel for defendant, that:

1. Defendant agrees to execute this stipulation on or before the first preliminary hearing  
date and to participate in a full and complete inquiry by the Court into whether defendant knowingly,  
intelligently and voluntarily entered into it. Defendant agrees further to waive indictment and plead  
guilty to the pre-indictment information charging defendant with a non-mandatory minimum count  
of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii)  
and (v)(II).

27 //

28 | CEM:es:6/5/08

1           2. Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4           3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **July 3, 2008**.

6           4. The material witnesses, Maria Navarro-Salmeron, Jose Gomez-Villafan and Rodolfo  
7 Solano-Serapio, in this case:

8               a. Are aliens with no lawful right to enter or remain in the United States;  
9               b. Entered or attempted to enter the United States illegally on or about  
10 June 2, 2008;

11              c. Were found in a vehicle driven by defendant in or near Westmorland,  
12 California and that defendant knew or acted in reckless disregard of the fact that they were aliens  
13 with no lawful right to enter or remain in the United States;

14              d. Were paying or having others pay on their behalf an undisclosed amount of  
15 money to others to be brought into the United States illegally and/or transported illegally to their  
16 destination therein; and,

17              e. May be released and remanded immediately to the Department of Homeland  
18 Security for return to their country of origin.

19           5. After the material witnesses are ordered released by the Court pursuant to this  
20 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
21 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,  
22 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

23               a. The stipulated facts set forth in paragraph 4 above shall be admitted as  
24 substantive evidence;

25               b. The United States may elicit hearsay testimony from arresting agents  
26 regarding any statements made by the material witness(es) provided in discovery, and such testimony

27           //

28 Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Raul Carranza-Ambriz

1 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest  
2 of (an) unavailable witness(es); and,

3 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
4 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted  
5 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant  
6 waives the right to confront and cross-examine the material witness(es) in this case.

7 6. By signing this stipulation and joint motion, defendant certifies that defendant has  
8 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
9 further that defendant has discussed the terms of this stipulation and joint motion with defense  
10 counsel and fully understands its meaning and effect.

11 Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
12 immediate release and remand of the above-named material witness(es) to the Department of  
13 Homeland Security for return to their country of origin.

14 It is STIPULATED AND AGREED this date.

15 Respectfully submitted,

16 KAREN P. HEWITT  
United States Attorney

17 Dated: 6/17/08

18 CALEB E. MASON  
Assistant United States Attorney

20 Dated: 6/17/08

21 WILLIAM R. BURGENER  
Defense Counsel for Carranza-Ambriz

23 Dated: 6/17/08

24 RAÚL CARRANZA-AMBRIZ  
Defendant

28 Stipulation of Fact and Joint Motion for Release of  
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## ORDER

2 Upon joint application and motion of the parties, and for good cause shown,  
3 **THE STIPULATION** is admitted into evidence, and,  
4 **IT IS ORDERED** that the above-named material witness(es) be released and remanded  
5 forthwith to the Department of Homeland Security for return to their country of origin.

6 | SO ORDERED.

8 Dated:

United States Magistrate Judge

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28 Stipulation of Fact and Joint Motion for Release of  
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